

ORIGINAL

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C.

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SEP 21 1992

93-126

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of)

BRAZOS EDUCATIONAL RADIO)

File No. **BPED-920413MF**

For Construction Permit for a)
New Non-Commercial Educational)
FM Station on Channel 209A at)
College Station, Texas)

SEP 22 11 22 AM '92
AUDIO SERVICES
DIVISION

To: The Chief, FM Branch

PETITION TO HOLD IN ABEYANCE, OR ALTERNATIVELY,
TO ASSOCIATE SUPPLEMENTAL INFORMATION WITH APPLICATION

Channel 6, Inc. ("Channel 6"), the licensee of television broadcast station KCEN-TV, Channel 6, Temple, Texas, by its attorneys, hereby petitions the Commission to hold in abeyance the captioned application of Brazos Educational Radio ("Brazos") for a new non-commercial educational FM station to serve College Station, Texas until Brazos amends its application to provide number of persons within its proposed NCE-FM's Channel 6 interference area.^{1/} Alternatively, Channel 6 requests that the Engineering Statement attached hereto, which reveals this figure, be formally made a part of Brazos' application.

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FEDERAL COMMUNICATIONS COMMISSION

1/ A Commission Public Notice of August 27, 1992 (Report No. B-148, Mimeo No. 24568) established September 30, 1992 as the deadline for filing Petitions to Deny the Brazos application. This Petition is filed within that deadline.

Discussion

1. Brazos' application seeks authority to construct and operate a new non-commercial FM station on Channel 209A (89.7 MHz) at College Station, Texas with 200 watts of effective radiated power at an antenna height of 56 meters above average

3. However, Section 73.525(e)(3)(c)(A) also provides that in such a situation, the NCE-FM station's construction permit and license will contain the following condition:

When the TV translator station ceases to carry the affected TV Channel 6 station's service and the cessation is not the choice of the affected TV Channel 6 station, the NCE-FM station will modify its facilities, within a reasonable transition period, to meet the requirements of this section which would have applied if no adjustment to population for translator service had been made in its application.

4. In other words, if K63DL is at some point forced off the air or otherwise involuntarily ceases carriage of KCEN-TV, Brazos must modify its operation so that it would comply with Section 73.525 without the translator-related adjustment to the interference contour or population figures. For this reason, the pre-adjustment population figures must be included in the application. Without them, the Commission would have no way of determining whether or to what extent Brazos' NCE-FM would have to reduce power or take other measures to protect KCEN-TV in the event K63DL is taken off the air.

5. Attached hereto is an Engineering Statement by Robert M. Silliman of the engineering firm of Silliman and Silliman. Mr. Silliman calculates that the population within the Brazos facility's Channel 6 interference area contour is 76,263 persons. This figure exceeds by over twenty-five times the 3000 interference-area persons permitted by Section 73.525(c). Obviously, Brazos would have to curtail its station's operation

substantially should K63DL ever involuntarily cease to rebroadcast KCEN-TV.

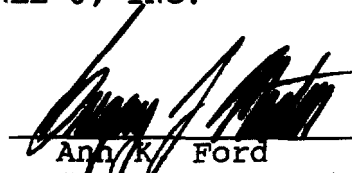
6. As the population within the Brazos facility's Channel 6 interference contour is of substantial importance to Brazos' application, that figure should be formally made a part of the application. Thus, Channel 6 requests that the Commission hold Brazos' application in abeyance until Brazos amends its application to provide this population number. Alternatively, Channel 6 requests that the attached Engineering Statement of Mr. Silliman be formally associated with, and made a part of, Brazos' application.

Respectfully submitted,

CHANNEL 6, INC.

FISHER, WAYLAND, COOPER
& LEADER
1255 23rd Street, N.W.
Suite 800
Washington, D.C. 20037
(202) 659-3494

By:


Ann K. Ford
Gregory L. Masters

Its Attorneys

Dated: September 21, 1992

ENGINEERING STATEMENT

ENGINEERING REPORT
SILLIMAN AND SILLIMAN

8601 GEORGIA AVENUE

CONSULTING ENGINEERS

SILVER SPRING, MD 20910

KCEN-TV
Temple, Texas

A F F I D A V I T

MONTGOMERY COUNTY)
) SS:
STATE OF MARYLAND)

ROBERT M. SILLIMAN, being duly sworn upon oath deposes and says:

That his qualifications are a matter of record with the Federal Communications Commission;

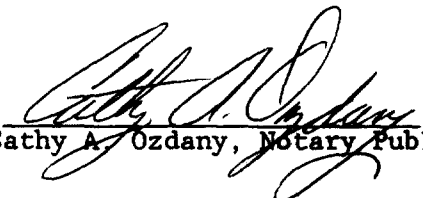
That he is a registered professional engineer in Maryland, the District of Columbia and the Commonwealth of Virginia and is a partner in the firm of Silliman and Silliman;

That this firm has been retained by the licensee of KCEN-TV to prepare this engineering statement;

That he has either prepared or directly supervised the preparation of all technical information contained in this engineering statement and that the facts stated in this engineering statement are true of his knowledge except as to such statements as are herein stated to be on information and belief and as to such statements he believes them to be true.


Robert M. Silliman

Subscribed and sworn to before me this 16th day of September 1992.


Cathy A. Ozdany, Notary Public

My Commission expires April 1, 1994.

(SEAL)

CERTIFICATE OF SERVICE

I, Valerie A. Mack, a secretary in the law firm of Fisher, Wayland, Cooper and Leader, do hereby certify that true copies of the foregoing "PETITION TO HOLD IN ABEYANCE, OR ALTERNATIVELY, TO ASSOCIATE SUPPLEMENTAL INFORMATION WITH APPLICATION" were sent this 21st day of September, 1992, by first-class United States mail, postage prepaid, to the following:

* Dennis Williams, Chief
FM Branch
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1919 M Street, N.W., Room 332
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Harry F. Cole, Esq.
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Washington, D.C. 20036

Eric Truax
Brazos Educational Radio
P.O. Box 78
College Station, TX 77841

* By Hand

Valerie A. Mack
Valerie A. Mack